

ZERO WASTE ALLIANCE IRELAND

Towards Sustainable Resource Management



Submission by ZWAI to the Department of the Environment, Climate and Communications in Response to the Public Consultation on the Draft Update of Ireland's National Energy and Climate Plan (NECP)

27 June 2024

Zero Waste Alliance Ireland is a member of



and



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27 June 2024

National Energy and Climate Plan,
Department of the Environment, Climate and Communications,
Tom Johnson House, Beggars Bush,
Haddington Road, Dublin 4,
D04 K7X4

BY EMAIL TO: NECP Consultation
necp@decc.gov.ie

Dear Sir / Madam,

**Response to the Public Consultation on Ireland's Updated Draft Integrated
National Energy and Climate Plan (NECP)**

**Submitted By Zero Waste Alliance Ireland to the Department of the
Environment, Climate and Communications**

On behalf of Zero Waste Alliance Ireland (ZWAI), we attach our submission in response to the Department's second public consultation on Ireland's Draft National Energy and Climate Plan.

ZWAI is very pleased to have the opportunity to respond to this important public consultation; and, even though our principal interest and aim is the reduction and elimination of every form of waste, we recognise that the more efficient use of materials and the avoidance of waste at every stage are also energy saving activities, with environmental and climate-related benefits.

While it may appear initially that waste and resources management, and the achievement of energy-related goals (including the formulation of energy policy) are not linked, it is our strongly-held belief that that the two are intimately connected. Not only must discarded materials be replaced in the continuing linear activities of production and consumption, but the processes of extraction, transformation, transport, processing, manufacturing and distribution require yet further energy which could be used more beneficially or avoided completely.

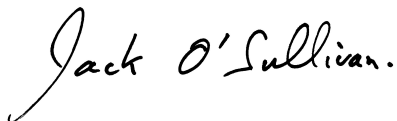
It is also our strongly held view that the term “waste” should encompass not only discarded materials, but should also cover the waste of energy; linking both the inefficient use of energy, and the amounts of energy which can be considered as “wasted” by the current necessity to process and recycle discarded materials, and to replace these by extraction and processing of virgin raw materials.

Thirdly, it is obvious that inefficient or wasteful use of energy is having damaging effects on the Earth's climate, as a result of the emission of greenhouse gas resulting from the production and utilisation of energy, despite the growing proportion of energy derived from renewable resources. No form of “renewable or sustainable energy” is climate neutral, and in fact most forms of renewable energy require the continuing extraction and processing of raw materials from the Earth's surface (for example, for the manufacture of solar cells, wind turbines, wave energy capture devices, energy storage batteries and other equipment); while the challenge of how to reuse or recycle end-of-life equipment from these categories of renewable energy systems remains largely unresolved.

As the Department's National Energy and Climate Plan Team will be aware, Zero Waste Alliance Ireland responded to the first public consultation in March 2024, and we see this second public consultation as a further opportunity to provide feedback on a topic in which Zero Waste Alliance Ireland has a significant and lasting interest.

We look forward to your acknowledgement of the submission, and to seeing in due course the final version of the National Energy and Climate Plan.

Yours sincerely,



Jack O'Sullivan

On behalf of Zero Waste Alliance Ireland

ZERO WASTE ALLIANCE IRELAND

Towards Sustainable Resource Management



Submission by ZWAI to the Department of the Environment, Climate and Communications in Response to the Second Public Consultation on Ireland's Updated Draft National Energy and Climate Plan (NECP)

SUBMITTED BY ZERO WASTE ALLIANCE IRELAND TO THE DEPARTMENT OF THE ENVIRONMENT, CLIMATE AND COMMUNICATIONS

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Submission to the Department of the Environment, Climate and Communications in Response to the Public Consultation on the Draft Update of Ireland's National Energy and Climate Plan (NECP)

27 June 2024

1. INTRODUCTION

On 30 May 2024, the Department of the Environment, Climate and Communications published a call for submissions on a draft update of Ireland's National Energy and Climate Plan (NECP) 2021-2030, the primary aim of the consultation being to gather stakeholder feedback on aspects of the draft update to the NECP.¹

First produced in 2019, and followed by a draft in 2023, the current draft NECP has been further amended, with input from government departments and agencies, with the aim of ensuring that the updated NECP brings together Ireland's energy and climate targets and initiatives, into one integrated and cohesive framework, as required under EU legislation. A second aim of the update was to ensure that the revised NECP fully reflects Ireland's existing policies, measures and actions on energy and climate.

We are assured by the Department of the Environment, Climate and Communications that the amended and updated NECP includes observations by experts from a number of Government Departments, and has been informed by an assessment received from the European Commission on 23 February 2024. That important assessment includes some 23 recommendations for changes to be made in the document received by the Commission on 08 December 2023, more than 5 months after the legal deadline.² The principal recommendations of the Commission's assessment are summarised in section 3.2 of our submission.

¹ Consultation on the draft update to Ireland's integrated National Energy and Climate Plan (NECP) <https://www.gov.ie/en/consultation/47d63-consultation-on-the-draft-update-to-irelands-integrated-national-energy-and-climate-plan/>

² Commission Recommendation (EU) 2024/1029 of 23 February 2024 on the draft updated integrated national energy and climate plan of Ireland covering the period 2021-2030. We comment on this late submission in section 6.7 below.

The assessment was supported by a more detailed and lengthy Staff Working Document (SWD), also dated 23 February 2024, in which the European Commission took into account the most important contextual factors affecting the content, structure, policies and proposed actions to be included in Ireland's NECP. These included the European Green Deal, the fast-evolving European and global geopolitical context and the current energy crisis, which have led the EU and its Member States to accelerate the transition to renewable energy sources, and to set more ambitious energy and climate objectives, with a strong focus on the diversification of energy supplies. The Commission pointed out that these developments are reflected in the legislative framework adopted under the "Fit for 55" proposals³ and the "REPowerEU Plan".⁴

In addition to the late submission of Ireland's NECP, the Commission commented that the above legislative and policy context and framework had been only partially taken into account in Ireland's December 2023 draft updated national energy and climate plan.⁵

The European Commission's Staff Working Document also noted that

"No specific public consultations were organised in the context of drafting the updated NECP. Therefore, before decisions were taken and throughout the decision-making process of the NECP update, early public participation was not fulfilled prior to submission of the draft updated NECP".⁶

This observed deficiency in the public consultation process is an important issue, on which we comment in some detail in section 5.2 below.

In order to address the matter, the draft updated NECP explained that a focused period of public consultation on the draft would take place in the first quarter of 2024, for a period of at least six weeks, during which the draft NECP would be available for comment and feedback, which would inform Ireland's final updated NECP. The Department's call for submissions on 30 May also stated that the principal approach to stakeholder consultation has been to "utilise and build on the existing and extensive policy specific consultations and other consultative

³ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/delivering-european-green-deal/fit-55-delivering-proposals_en/

⁴ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/repowereu-affordable-secure-and-sustainable-energy-europe_en/

⁵ Commission Staff Working Document – Assessment of the draft updated National Energy and Climate Plan of Ireland, accompanying the document *Commission Recommendation on the draft updated integrated national energy and climate plan of Ireland covering the period 2021-2030* {C(2024) 1187 final}. Section 1, Summary, and Section 1.1, Overview, page 3.

⁶ Commission Staff Working Document – Assessment of the draft updated National Energy and Climate Plan of Ireland, accompanying the document *Commission Recommendation on the draft updated integrated national energy and climate plan of Ireland covering the period 2021-2030* {C(2024) 1187 final}. Section 2.2, Public consultation, page 8.

process, such as the National Dialogue on Climate Action, that have been ongoing since the first NECP (2019). These consultations have been supplemented by two four-week consultations and a digital event”.

This previous public consultation had been announced on 08 February 2024 (before the Commission had delivered its recommendations), but with a very tight deadline of 07 March 2024 for submissions. While the Commission’s observation that a public consultation had not been undertaken at an early stage is broadly correct, we can point out that a partial consultation process had already been started by the Department, and was in progress when the Commission issued its recommendations on 23 February.

When the Department of the Environment, Climate and Communications announced the above public consultation (on 30 May) on Ireland’s draft National Energy and Climate Plan, we might initially have considered that this consultation did not directly address the principal areas in which Zero Waste Alliance Ireland normally contributes to debates and observations on policy issues.

As the Department will be aware, our primary areas of work are focussed on prevention of waste, and on the eventual elimination of the wasting or discarding of substances, materials, manufactured objects and products of every type; and especially their end-of-life fate by incineration or landfilling, resulting in the continuing extraction and processing of yet more raw materials to replace them. We have also, on many occasions, made observations on the waste of water, the pollution of surface and groundwater, and the need to recover from wastewater a number of essential and valuable substances which are currently discarded, to become contaminants or pollutants as a result.

Closely allied with these area of work are our promotion of the Circular Economy, and our advocacy for a community-based and operated “deposit and return” scheme which would have the effect of increasing the rate at which materials and objects are re-used and recycled, for environmental and social benefit.⁷ These activities may be summarised as promoting the transition from a wasteful linear to a more efficient circular economy, with accompanying changes in how our society values and uses raw materials and objects.

1.1 Waste of Energy, or the Inefficient Use of Energy, may also be considered as “Waste”

And if we further consider that the extraction and processing of nearly all raw materials are energy intensive, while re-use and recycling are energy saving, it becomes clear that the more efficient use of materials and the avoidance of waste

⁷ On 12 November 2020, Zero Waste Alliance Ireland made a detailed submission to the Department of Environment, Climate and Communications on the Proposed Introduction of a Deposit and Return Scheme (DRS) for Beverage Containers.

at every stage are also energy-saving activities. We can therefore establish an obvious link between these activities and energy demand, so that the more efficient and less wasteful our society becomes, less energy will be needed at many different levels. While it may appear at first glance that waste and resources management, and the achievement of energy-related goals (including the formulation of energy policy) are not linked, it is our strongly-held belief that that the two are intimately connected.

Not only must discarded materials be replaced in the continuing linear activities of production and consumption, but the processes of extraction, transformation, transport, processing, manufacturing and distribution require yet further energy which could be used more beneficially or avoided completely.

Secondly, **Zero Waste Alliance Ireland** has always taken the view that the term “waste” should encompass not only discarded materials, but should also cover the waste of energy; linking both the inefficient use of energy, and the amounts of energy which can be considered as “wasted” by the current necessity to process and recycle discarded materials, and to replace these by extraction and processing of virgin raw materials. It is therefore only a small additional step to consider that inefficient use of energy, and the use of energy for activities which are unnecessary and may be environmentally damaging, also fall within the definition of “waste”.

Thirdly, it is obvious that inefficient or wasteful use of energy is having damaging effects on the Earth’s climate, as a result of the emission of greenhouse gases resulting from the production and utilisation of energy, despite the growing proportion of energy derived from renewable resources. No form of “*renewable or sustainable energy*” is climate neutral, and most forms of renewable energy require the continuing extraction and processing of raw materials from the Earth’s surface (for example, for the manufacture of solar cells, wind turbines, wave energy capture devices, energy storage batteries and other equipment); while the challenge of how to reuse or recycle end-of-life equipment from these categories of renewable energy systems remains largely unresolved.

We therefore saw this earlier public consultation as a welcome opportunity to provide feedback on a topic in which **Zero Waste Alliance Ireland** has a significant interest. Furthermore, it has always been our policy that any type of wasteful activity (including the wasteful or inefficient use of energy) has the potential to have detrimental effects on the Earth’s climate.

Our response to this first public consultation was sent to the Department of the Environment, Climate and Communications on 07 March, and was acknowledged by email from the National Energy and Climate Plan Team. The submission by

ZWAI was also mentioned in a summary of the public consultation responses prepared for the Department in May 2024.⁸

As a final observation in this introduction, we would assert that using energy inefficiently, and failing to fully recover, re-use and recycle discarded substances, materials and products, are symptoms of our European-wide and Irish neglect to consider the inter-linked issues and policy areas of “waste”, “energy” and “climate”. Ireland has also failed to adequately implement the Circular Economy, with a resulting increase in greenhouse gas emissions, serious damage to ecosystems, major loss of biodiversity, changes in sea level, stronger and more frequent storm events, threats to the security of food supplies, damage to human health, and other adverse consequences of climate change. It is our hope that the final version of the NECP, with its promised emphasis on coherence and integration, will address these issues comprehensively.

2. ZERO WASTE ALLIANCE IRELAND (ZWAI)

At this point we consider that it is appropriate to mention briefly our background, especially the aims, activities, policies and strategy of ZWAI, and some of our previous submissions.

2.1 Origin and Early Activities of ZWAI

Zero Waste Alliance Ireland (ZWAI), established in 1999, and registered as a company limited by guarantee in 2004, is a Non-Government Environmental Organisation (eNGO) and a registered charity. ZWAI has prepared and submitted to the European Commission, the Irish Government and to Irish State Agencies many policy documents on waste management and waste elimination, and continues to lobby the Irish Government and the European Commission on using resources more sustainably, on promoting re-use, repair and recycling, and on development and implementation of the Circular Economy.

One of our basic guiding principles is that human societies must behave like natural ecosystems, living within the sustainable flow of energy from the sun and plants, producing no materials or objects which cannot be recycled back into the earth’s systems, or reused or recycled into our technical systems, and should be guided by economic systems and practices which are in harmony with personal and ecological values.

Our principal objectives are:

⁸ Public Consultation Findings Report. Summary of the Responses to the Public Consultation held by the Department of the Environment, Climate and Communications from 08 February to 07 March 2024 on the Draft National Energy and Climate Plan (NECP) 2021-2030.

- i) sharing information, ideas and contacts,
- ii) finding and recommending environmentally sustainable and practical solutions for domestic, municipal, industrial and agricultural waste management, and for more efficient and ecologically appropriate uses of natural resources such as scarce minerals, water and soil;
- iii) lobbying Government and local authorities to implement environmentally sustainable waste management practices, including clean production, elimination of toxic substances from products, re-use, repairing, recycling, segregation of discarded materials at source, and other environmentally and socially beneficial practices;
- iv) lobbying Government to follow the best international practice and EU recommendations by introducing fiscal and economic measures designed to penalise the manufacturers of products which cannot be re-used, recycled or composted at the end of their useful lives, and to financially support companies making products which can be re-used, repaired, recycled or are made from recycled materials;
- v) raising public awareness about the long-term damaging human and animal health and economic consequences of landfilling and destruction by mass burning or incineration of potentially recyclable or re-usable materials;
- vi) investigating, raising public awareness and lobbying Irish Government departments and agencies about our country's failure to take adequate care of vulnerable and essential natural resources, including clean water and air, biodiversity, and soil;
- vii) advocating changes in domestic and EU legislation to provide for more ecologically appropriate, environmentally sustainable and efficient uses of natural resources; and,
- viii) maintaining contact and exchanging information with similar NGOs and national networks in the European Union and in other countries, and with international zero waste organisations.

2.2 Our Basic Principles

Human communities must behave like natural ones, living comfortably within the natural flow of energy from the sun and plants, producing no wastes which cannot be recycled back into the earth's systems, and guided by new economic values which are in harmony with personal and ecological values.

In nature, the waste products of every living organism serve as raw materials to be transformed by other living creatures, or benefit the planet in other ways.

Instead of organising systems that efficiently dispose of or recycle our waste, we need to design systems of production that have little or no waste to begin with.

There are no technical barriers to achieving a “*zero waste society*”, only our habits, our greed as a society, and the current economic structures and policies which have led to the present multiple environmental, social and economic crises.

“*Zero Waste*” is a realistic whole-system approach to addressing the problem of society’s unsustainable resource flows – it encompasses waste elimination at source through product design and producer responsibility, together with waste reduction strategies further down the supply chain, such as cleaner production, product repairing, dismantling, recycling, re-use and composting.

ZWAI strongly believes that Ireland and other Member States, and the EU as a whole, should have a policy of not sending to other countries our discarded materials for further treatment or recycling, particularly to developing countries where local populations are being exposed to dioxins and other very toxic POPs. Relying on other countries’ infrastructure to achieve our “recycling” targets is not acceptable from a global ecological and societal perspective.

2.3 What We are Doing

Our principal objective is to ensure that government agencies, local authorities and other organisations will develop and implement environmentally sustainable resources and waste management policies, especially resource efficiency, waste reduction and elimination, the promotion of re-use, repair and recycling, and the development and implementation of the Circular Economy.

As an environmental NGO, and a not-for-profit company with charitable status since 2005, ZWAI also campaigns for the implementation of the **UN Sustainable Development Goals**, including (but not limited to) Goal 12, Responsible Consumption and Production; Goal 6, Clean Water and Sanitation (having particular regard to the need to avoid wasting water, and to wasting nutrients contained in our wastewater); and Goal 15, to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, to halt and reverse land degradation and to halt biodiversity loss.

In responding to many public consultations, members of ZWAI have made submissions and given presentations on:

- how Ireland and the European Union should address the problem of plastic waste (March 2019);
- addressing the problem of single-use plastic packaging by the Irish food industry (November 2019);

- transforming the construction industry so that it could become climate-neutral (instead of being a major emitter of greenhouse gases & toxicants);
- Observations on the general scheme of the Irish Government's Circular Economy Bill (October 2021);
- Several observations and submissions addressing the need for recovery and reuse of the phosphorus and nitrogen content of wastewater (2019 to 2023);
- Observations to the European Commission on a proposed revision of the EU Regulation on Shipments of Waste (January 2022);
- Feedback to the European Commission on a proposed Directive on Soil Health – Protecting, Sustainably Managing and Restoring EU Soils (March 2022);⁹
- Submission in response to a public consultation on the review of Ireland's security of energy supplies (October 2022);¹⁰
- Submission in response to a public consultation on Ireland's Fourth National Biodiversity Action Plan (November 2022);¹¹
- Submission in response to a public consultation on Ireland's National Bioeconomy Action Plan 2023-2025 (January 2023);¹²
- Submission in response to a public consultation on Ireland's draft Waste Management Plan for a Circular Economy (July 2023);¹³
- Submission in response to a public consultation on the problem of disposable vaping devices (July 2023);¹⁴

⁹ <https://www.zwai.ie/resources/2022/protecting-sustainably-managing-and-restoring-eu-soils/>

¹⁰ Submission to the Department of the Environment, Climate and Communications in Response to the Public Consultation on a Review of the Security of Energy Supply of Ireland's Electricity and Natural Gas Systems; <https://www.zwai.ie/resources/2022/public-consultation-on-a-review-of-the-security-of-energy-supply-of-irelands-electricity-and-natural-gas-systems/>

¹¹ <https://www.zwai.ie/resources/2022/submission-to-the-department-of-housing-local-government-and-heritage-in-response-to-the-public-consultation-on-irelands-fourth-national-biodiversity-action-plan-nbap/>

¹² <https://www.zwai.ie/resources/2023/zwai-submission-on-irelands-national-bioeconomy-action-plan-2023-2025/>

¹³ Submission to the Regional Waste Management Planning Offices on the draft Waste Management Plan for a Circular Economy; ZWAI, 05 July 2023: <https://www.zwai.ie/resources/2023/submission-on-the-draft-waste-management-plan-for-a-circular-economy/>

¹⁴ Submission to the Department of the Environment, Climate and Communications in Response to the Department's Public Consultation on Disposable Vaping Devices; ZWAI,

- Observations and recommendations on the rapidly increasing European and global problem of waste electronic and electric equipment (WEEE, September 2023);¹⁵
- Observations to the European Commission on a Proposed EU Directive on Soil Monitoring and Resilience (November 2023);¹⁶
- Observations on the Irish Government's draft Green Public Procurement Strategy & Plan (November 2023);¹⁷
- Observations and feedback to the European Commission on the proposed revision of the EU Waste Framework Directive (November 2023);¹⁸
- Observations and feedback to the European Commission on revision of Directives 2000/53/EC & 2005/64/EC on End-of-Life Vehicles (December 2023);¹⁹
- Submission by ZWAI to the Department of the Environment, Climate and Communications in response to the Department's public consultation on proposed amendments to the Access to Information on the Environment (AIE) Regulations 2007-2018 (January 2024);²⁰
- Response to the first Public Consultation by the Department of the Environment, Climate and Communications on Ireland's draft National Energy and Climate Plan (March 2024);²¹ and,
- Submission by ZWAI to the European Commission in response to the Commission's public consultation on the evaluation of the Nitrates

27 July 2023: <https://www.zwai.ie/resources/2023/submission-to-the-decc-on-disposable-vapes-and-why-they-should-be-banned/>

¹⁵ Submission by ZWAI to the European Commission on Waste from Electrical and Electronic Equipment — Evaluating the EU Rules; ZWAI, 22 September 2023. <https://www.zwai.ie/resources/2023/waste-from-electrical-and-electronic-equipment-weee-evaluating-eu-rules/>

¹⁶ Observations and Feedback to the European Commission on the Proposed EU Directive on Soil Monitoring and Resilience; ZWAI, 03 November 2023. <https://www.zwai.ie/resources/2023/submission-on-the-proposed-eu-directive-on-soil-monitoring-and-resilience/>

¹⁷ <https://www.zwai.ie/resources/2023/submission-to-the-decc-on-the-draft-green-public-procurement-strategy-and-action-plan/>

¹⁸ <https://www.zwai.ie/resources/2023/observations-and-feedback-to-the-european-commission-on-the-proposed-revision-of-the-eu-waste-framework/>

¹⁹ <https://www.zwai.ie/resources/2023/end-of-life-vehicles-observations-and-feedback-to-the-european-commission/>

²⁰ <https://www.zwai.ie/resources/2024/submission-to-the-decc-on-the-proposed-amendments-to-the-access-to-information-on-the-environment-aie-regulations-2007-2018/>

²¹ <https://www.zwai.ie/resources/2024/submission-by-zwai-to-decc-on-irelands-national-energy-climate-plan-necp/>

Directive (91 / 676 / EEC) on Protection of Waters against Pollution caused by Nitrates from Agricultural Sources (March 2024).²²

It will be clear that ZWAI is primarily concerned with the very serious issues of discarded substances, materials, water and energy, whether from domestic, commercial or industrial sources, how these become “waste”, and how such “waste” may be prevented by re-design along ecological principles. ZWAI is also very concerned about the effectiveness and appropriateness of Irish and EU policies, legislation, programmes and plans which are the principal determinants of how these “wastes” are managed, controlled and monitored for environmental and societal benefits; and, while we have welcome many such initiatives, we have also considered that it was necessary to evaluate them critically and forensically in the context of what is best for the environment and society.

ZWAI is represented on the Irish Government’s Waste Forum and Water Forum (An Fóram Uisce), is a member of the Irish Environmental Network and the Environmental Pillar, and is funded by the Department of Communications, Climate Action and the Environment through the **Irish Environmental Network**.

ZWAI is also an Irish-registered not-for-profit company limited by guarantee (Company registration number **394205**), and a registered charity (CRN number **20057244**). Membership is less than 50 individuals, and the company’s affairs and activities are supervised by a 6-person Board of Management (Directors), some of whom are regular contributors to submissions, or make presentations at conferences.

In 2019 ZWAI became a full member of the **European Environment Bureau** (EEB); and a member of the **Waste Working Group** of the EEB. Through the EEB, we contribute to the development of European Union policy on waste and the Circular Economy. In November 2021, the EEB established a **Task Force on the Built Environment**; ZWAI is a member of this group, and we contribute to continuing discussions on the sustainability of construction materials, buildings and on the built environment.

²² <https://www.zwai.ie/resources/2024/submission-by-zwai-to-the-eu-public-consultation-on-the-evaluation-of-the-nitrates-directive/>

3. GUIDANCE AND ASSESSMENT BY THE EUROPEAN COMMISSION

3.1 The Commission's Guidance to Member States for updating the 2021-2030 National Energy and Climate Plans

In December 2022, the European Commission published an important guidance document for Member States, advising how the 2021 - 2030 National Energy and Climate Plans should be updated. This is a comprehensive document of some 32 pages, with many recommendations; however, for the purpose of this submission, will focus only on those recommendations connected with waste (including waste of energy) and the circular economy.

1. Recent developments, including record high energy prices, provide a strong impetus to accelerate the **integration** of national planning for energy and climate policies. This is an important recommendation, especially given our concern that there is a significant amount of policy disconnects in Ireland. For example, the National Energy and Climate Plan (NECP) should show much more clearly the connections between not only energy and climate policies, but also important connections with policies on agriculture, forestry, transportation and power generation, together with the social implications of these policies.

It is our current assessment that neither a sufficient nor adequate level of integration, especially integration of proposed actions as well as policies, have not been embodied in the revised draft NECP.

2. The guidance document advises that national plans must address the critical challenges of **energy security** and **affordability**, including the need to swiftly diversify energy supply, to reduce energy demand as Pacific times, and to intervene in order to address high energy prices.

It is our assessment that energy affordability in particular has not been properly addressed, as evidenced by the extent of energy poverty in Ireland. While some excellent steps have been taken to assist households who are in energy poverty, the overall high price of energy is a factor affecting a wide variety of activities, including transportation; and the NECP does not adequately address this challenge.

Demand reduction should also be an important component of the NECP; and, while this could be achieved by sensible usage of smart metering, this step does not appear to be widely available or utilised.

3. The guidance document advises that Member States should set out objectives and targets to reduce **methane emissions**, and to integrate

increased targets as well as mitigation and adaptation measures in the **land-use, forestry and agriculture** sectors, with regard to CO₂ and non-CO₂ emissions and carbon removal.

It is our submission that the roles of agriculture and forestry in climate mitigation need to be addressed much more forcefully, especially as the recent Climate Change Assessment Report²³ shows that carbon neutrality cannot be reached without conversion of large areas of farmland to forestry. The value of forests for mitigation of climate change is emphasised in several sections of the *Synthesis Report* of Ireland's Climate Change Assessment Report (ICCA):

*“... research on land use, land use change and forestry suggests that the primary means to get to net zero for this sector is through unprecedented rates of afforestation and the rewetting of organic soil ...”*²⁴

*“Opportunities also exist in widening and deepening the range of emissions-reducing and environmentally enhancing activities, with examples including renewable energy; afforestation and forest management; active and public transport; production of alternative proteins; and restoration of nature, biodiversity and ecosystems”*²⁵

*“The transition to a climate-neutral society is both an urgent challenge and an opportunity to build a resilient future for all. All parts of society will play a role – from the power sector to industry, mobility, buildings, agriculture and forestry. This will require leadership from government (policymakers, policy enforcers, etc.), business, communities and individuals”*²⁶

*“Significant mitigation is needed in agriculture ... including a **managed reduction in the number of ruminants**, can reduce **methane** and nitrous oxide emissions and make land available for forestry, wetland restoration and nature”*²⁷

²³ Ireland's Climate Change Assessment 2023; Synthesis Report and Volumes 1, 2 and 3: Achieving Climate Neutrality by 2050, Environmental Protection Agency

²⁴ Ireland's Climate Change Assessment 2023 Synthesis Report, Environmental Protection Agency 2023; Section C. Key Findings, “*Delivering a climate neutral Ireland*”, paragraph C.5, page 4.

²⁵ Ireland's Climate Change Assessment 2023 Synthesis Report, Environmental Protection Agency 2023; Section E. Key Findings “*Driving transformation forward*”, E.6, page 5.

²⁶ Ireland's Climate Change Assessment 2023 Synthesis Report, Environmental Protection Agency 2023; Section 3.1 “The national and legal context”, page 18.

²⁷ These observations, and the further observations in this section of our report, are in Ireland's Climate Change Assessment 2023 Synthesis Report; Environmental Protection Agency

*“Current research on the LULUCF sector suggests that the primary means to get to net zero for this sector is through **unprecedented rates of afforestation** [our emphasis], rewetting of organic soils (including water table management and reduced management intensity), enhanced carbon sequestration in mineral soils and peatland rehabilitation. Forests have an important role to play in achieving net zero. However, for forests to contribute to net zero, afforestation may require between 25,000 and 35,000 additional hectares of planting every year, which is a significant increase on the current target of 8,000 hectares a year. Natural regeneration of woodlands, hedgerows and agroforestry also have potential to store carbon and enhance biodiversity.”*

This report emphasizes the need for integration between agricultural policies (including forestry) and climate mitigation; And we would add that energy is also part of the overall equation. It is essential that this degree of integration must be included in the revised and final NECP.

Other examples of policies and measures to reduce methane emissions are given in Box 5 of the guidance document:

*“Agriculture – introduce incentives for breeding that improve health and fertility, feed management and feed additives to mitigate methane from enteric fermentation while preventing trade-offs with other environmental issues, such as ammonia emissions; promote manure storage techniques (e.g., cooling slurry, slurry acidification, covering manure and slurry stores, introducing emission limit values and monitoring requirements) and anaerobic digestion with biogas recovery to mitigate methane from manure management, with the additional benefit of reducing dependence on natural gas imports and preventing ammonia emissions; promote **more sustainable diets with less red and processed meat and more plant-based protein** [our emphasis] sources.²⁸*

Solid waste and wastewater – reduce landfilling of organic waste through a full and swift implementation of the waste and landfill legislation; source separation and anaerobic digestion with biogas recovery, to mitigate methane from solid waste; anaerobic digestion

2023; Section 3.3 “The changes required for food, agriculture and land use”, pages 20 and 21.

²⁸ See, for example, the submission by Zero Waste Alliance Ireland to the European Commission on a proposed Directive on Soil Health – Protecting, Sustainably Managing and Restoring EU Soils (March 2022); <https://www.zwai.ie/resources/2022/protecting-sustainably-managing-and-restoring-eu-soils/>

of sludge with biogas recovery, to mitigate methane from wastewater.

Energy – in line with the proposed Regulation on methane emissions reductions, the measurement, reporting and verification of methane emissions in the energy sector need to be improved and emissions need to be mitigated through mandatory leak detection and repair, and a ban on venting and flaring”.

It is our submission that these suggested policies, measures and incentives should be clearly incorporated in the revised and updated NECP. In this connection, we might mention that in one of our previous submissions, Zero Waste Alliance Ireland advocated a national diet based less on meat and on more plant-based protein sources (see footnote above).

4. The guidance document advises that Member States should engage in wide and inclusiveness **consultation** with civil society, local authorities, social partners, and sectoral stakeholders early in the process.

It is our submission that the necessary wide and inclusive consultation has not taken place, despite the assertion in the Department’s notification of the public consultation that two four-week consultations and a digital event have been held, together with a wider consultation strategy that has sought to engage other Member States. While we are aware of the two public consultations (the previous consultation and this one, for which the current submission is being prepared), there is no evidence that Ireland has sought to engage with, or learn from, other EU Member States.

The Department’s notification also states that the present or current consultation is intended to build on the first consultation by addressing as many of the points raised during feedback as possible and within the limitations of the NECP document. Feedback relating to distinct policy areas will be formally fed back to those teams or Departments to review and action as appropriate through the domestic policy cycle. The updated material in the revised draft will address many of the points raised around the incomplete nature of the first draft.

It is our submission that while the attempted level of consultation must be recognised as possible, given the circumstances, the actual consultation fell far short of what would be considered necessary. In other words, public consultation took place too late, and within a compressed time scale. Our further observations on public consultation are in sections 5.1 and 5.2 below.

5. The guidance document advises that Member States should ensure consistency between their updated NECPs and other **planning**

instruments; and it is our observation that this is one of the most important recommendations.

It is our submission that one of the most intractable problems which we have created for ourselves in Ireland is to allow unplanned but permitted developments in locations where there is no public transport, thereby promoting private car dependency and long distance commuting, both of which are wasteful of time and energy. This is an issue which must be addressed in the revised and updated NECP.

6. The guidance document also encourages Member States to set out in their updated national plans their key **circular economy** policies and measures to reduce greenhouse gas emissions, energy consumption and the use of critical raw materials. The circular economy reduces waste (including organic waste, a significant source of methane emissions) and the use of virgin resources (including energy and critical raw materials) and so decreases greenhouse gas emissions. It creates jobs in proximity to the products that need to be maintained, refurbished or shared.

Zero Waste Alliance Ireland has consistently advocated implementation of the circular economy given that it not only assists in the reduction of waste and the promotion of recycling, but can also lead to a saving of energy; and we make this point briefly in section 1 (Introduction) above. We therefore support the Commission's advice that Ireland should be encouraged to align the updated NECP with the circular economy policies and strategy.

7. Other measures recommended in the Commission's guidance document (Table 1: Key Objectives) include:

use energy system integration to balance the electric grid and ensure the integration of renewable electricity;

connect the heating and electricity sector to ensure higher integration of renewables in both;

*connect various end-use sectors, and the energy sector, to ensure the use of **waste heat**; and,*

ensure access to data for electric vehicle users.

It is our submission that these measures are very worthwhile and should be implemented. For example, in Ireland, the heating and electricity sectors are not integrated; many homes use solid fuel or natural gas for heating, and electricity for lighting, and also for heating and other services.

Utilisation of waste heat is very poor in Ireland compared with other EU Member States, especially in the Nordic states and in central Europe where municipal district heating systems use waste heat from industry to

heat homes, shops, offices and schools.²⁹ None of our solid fuel powered electricity generating stations use waste heat to heat nearby towns or villages; cement plants also generate very large quantities of excess heat which is wasted. And, finally there appears to be almost no utilisation of combined heat and power systems in Ireland, a technology which achieves much greater efficiency and is widespread in many EU member states.

3.2 Recommendations by the European Commission on Ireland's Draft Updated Integrated National Energy and Climate Plan for the Period 2021-2030

In section 1 (Introduction) above, we referred briefly to an assessment of Ireland's NECP, received from the European Commission on 23 February 2024. That important assessment includes some 23 recommendations for changes to be made in the document received by the Commission on 08 December 2023.³⁰ These recommended changes are:

1. Set out cost-efficient additional policies and measures, including in the agricultural and transport sectors;
2. Identify the amount of CO₂ emissions that could be captured annually by 2030, including the source; provide details on how the captured CO₂ will be transported, and identify the overall CO₂ storage capacity available by 2030;
3. Set out a concrete pathway towards reaching the national LULUCF target as defined in Regulation (EU) 2018/841;
4. Set out cost-efficient additional policies and measures, including in the agricultural and transport sectors;
5. Identify the amount of CO₂ emissions that could be captured annually by 2030, including the source; provide details on how the captured CO₂ will be transported, and identify the overall CO₂ storage capacity available by 2030 (in section 4.1 below, we address this key issue of carbon capture and storage);
6. Set out a concrete pathway towards reaching the national LULUCF target as defined in Regulation (EU) 2018/841;
7. Provide additional analysis on the relevant climate vulnerabilities and risks regarding the achievement of national objectives, targets, and contributions and the policies and measures;

²⁹ See, for example, the recommendation in: Ireland's Climate Change Assessment; Volume 2; Achieving Climate Neutrality by 2050 (226 pp); section 4.6, District Heating, page 84.

³⁰ Commission Recommendation (EU) 2024/1029 of 23 February 2024 on the draft updated integrated national energy and climate plan of Ireland covering the period 2021-2030.

8. Significantly raise the ambition of a share of renewable energy sources to at least 43 % as a contribution to the Union's binding renewable energy target for 2030;
9. Provide estimated trajectories and a long-term plan for the deployment of renewable energy technologies over the next 10 years, with an outlook to 2040;
10. Further describe detailed and quantified policies and measures in a way that enables a timely and cost-effective achievement of Ireland's national contribution to the Union's binding renewable energy target of 42.5 % in 2030;
11. Provide the estimated trajectories for biomass supply by feedstock and origin, differentiating between domestic production and imports; and include an assessment of the domestic supply of forest biomass for energy purposes in 2021-2030;
12. Provide to the extent possible an expected timeline of the steps leading to the adoption of legislative and non-legislative policies and measures aimed at transposing and implementing the provisions of Directive (EU) 2018/2001 as amended;
13. Include a national energy efficiency contribution on final energy consumption to the Union's binding final energy consumption target for 2030;
14. Set out complete policies and measures to achieve the national contributions on energy efficiency, and in particular how the Energy Efficiency First principle will be implemented;
15. Include an updated ambition level to ensure a highly energy-efficient and decarbonised national building stock, and to transform existing buildings into zero-emission buildings by 2050;
16. Further explain the envisaged measures to pursue the diversification of its gas supply and to continue encouraging gas demand reduction towards 2030;
17. Put forward clear objectives and targets for demand response in the demand flexibility plan and set out a clear timeline for the planned changes to system services to improve the flexibility of the energy system, in light of an assessment of the flexibility needs; and describe how Ireland intends to facilitate energy system integration;
18. Indicate a specific measurable reduction target for energy poverty as required by Regulation (EU) 2018/1999, taking into account Recommendation (EU) 2023/2407;
16. Further clarify national objectives in research, innovation and competitiveness to deploy clean technologies, establishing a pathway for 2030 and 2050;

17. Specify the reforms and measures to mobilise the private investments needed to achieve the energy and climate targets. Improve and expand the analysis of investment needs to include a comprehensive and consistent overview of the public and private investment needs in aggregate and by sector;
18. Outline how the policies and measures included in the updated plan are consistent with Ireland's national Recovery and Resilience Plan;
19. Explain in detail how and by when Ireland intends to phase out fossil fuel subsidies; and explain in more detail how Ireland plans to phase out solid fossil fuels for power generation by clarifying the related commitments and measures;
20. Further detail the analytical basis by providing projections under the planned policies and measures on how the energy system will develop with an outlook to 2040;
21. Provide more detailed information on the social, employment and skills consequences, or any other distributional impacts of the climate and energy transition, and on the planned objectives and measures to support a just transition in a more holistic approach at national level;
22. Provide a clear and detailed overview on how the consultation process will take enable broad public participation from all relevant authorities, citizens and stakeholders, including social partners in the preparation of the final updated plan; and,
23. Expand the already good regional cooperation with neighbouring Member States in all areas and within established regional cooperation framework such as the North Seas Energy Cooperation (NSEC).

It is our submission that the above 23 recommendations constitute a coherent and comprehensive set of policy proposals, and they should be included in the final version of the National Energy and Climate Plan; all of them are relevant and will assist in making the plan a better instrument for climate change, energy and environmental policies.

4. KEY OBSERVATIONS FROM OUR PREVIOUS SUBMISSION THAT WARRANT REAFFIRMATION

4.1 Carbon Capture and Storage

The earlier draft of the NECP had no specific mention of carbon capture and storage (CCS) initiatives or technologies. In our previous submission, ZWAI provided a detailed description of carbon capture and storage, its opportunities to mitigating climate change, and its costs and challenges.

The revised and updated NECP now mentions carbon capture and storage (specifically CCUS and BECCS) amongst the technologies that can be applied as decarbonisation methods in Ireland. As mentioned in the plan, sectoral emission ceilings agreed upon by the government in July 2022, still include 26 MtCO₂eq. of unallocated savings in the second carbon budget period from 2026 to 2030 (5.25 MtCO₂eq. in 2030). To address these unallocated savings, the updated NECP refers back to the Climate Action Plan 2024 (CAP24), which identifies CCS as one potential measure to do so.³¹ However, it states that “*in setting the second carbon budget for 2026-2030, we will not yet be in a position to identify all the emerging technologies, changing scientific consensus or policies to meet our full ambition*”.

We acknowledge the current limitations in capacity needed to meeting full ambitions, and therefore encourage that the next update of the NECP includes detailed implementation strategies, funding mechanisms, and timelines for deployment.

4.2 Energy Waste and Resource Management

In the first consultation round (and in our introduction to this submission; section 1 above), we pointed out that energy and waste/resource management are intimately connected, and that extraction, transformation, transport, processing, and manufacturing are significant stages in the production and consumption of an item where the energy use could be used more beneficial or be avoided completely if a circular-based approach was considered. The updated draft NECP comprehensively outlines Ireland’s initiatives, plans, and strategies in relation to Circular Economy. However, the updated plan merely lists these initiatives and still lacks in relating them to the focus of this plan which is energy. How are the other Circular Economy initiatives contributing to the NECP?

³¹ See, for example, the recommendation in: Ireland's Climate Change Assessment; Volume 2; Achieving Climate Neutrality by 2050 (226 pp); section 1.2.4.1, the role of carbon capture and storage, and removal, page 37.

We also stated in our previous submission in March 2024 that the term “waste” should include waste from energy and not just discarded materials. Within the updated plan there is an objective to “*Assess the current legislative definition of waste and recommend whether a redesignation is necessary for residual waste flows to be successfully managed for use in the bioeconomy*”.³² Although the plan to reassess the current definition of waste is there, it is only within the context of residual waste flows for bioeconomy and not with the purpose to acknowledge waste from energy as an official waste source. We still recommend that the legislative definition of waste is assessed from a broader perspective, and specifically to include waste from energy as a source of waste.

4.3 Data Centres and Cryptocurrencies

The updated NECP acknowledges the significant energy demand of data centres and that this is likely to keep increasing, as already mentioned in the first draft. In response to this rising demand, the updated plan states that “*The increased renewable electricity requirement linked to energy intensive investments will be mainly delivered by the development of the new Renewable Energy Support Scheme (RESS) which will also reflect falling costs across a range of renewable technologies and an ambition to increase community and citizen participation in RE projects*”.³³ Although it states that the data centres would specifically lead to an increased “renewable” electricity requirement, it does not mention any intention to ban cryptocurrency mining on fossil fuels. In fact, the term crypto or cryptocurrency is not mentioned in the updated draft.

Due to the significant demand cryptocurrency mining has, ZWAI still urges Ireland to follow the example of the likes of New York, China, and India in officially banning cryptocurrency mining powered by fossil fuels. Additionally, we would like to reiterate our proposal of requiring new data centres to supply to the surrounding communities or to the national grid a percentage of renewable energy such as solar panels or wind energy to mitigate their high energy consumption.

4.4 Energy of Buildings

The earlier version of the updated NECP draft discusses the need for energy efficiency in residential and public buildings but lacked detailed measures as to

³² National Energy and Climate Plan 2021-2030; Department of the Environment, Climate and Communications; 30 May 2024; Chapter 3, Policies and Measures, Section 3.1.3, Bioeconomy, page 194.

³³ National Energy and Climate Plan 2021-2030; Department of the Environment, Climate and Communications; 30 May 2024; Chapter 3, Policies and Measures, Section 3.1.2 Renewable Energy, pages 159-160.

how to achieve this. During the first consultation round, we suggested that improvements regarding energy costs should first be made to public offices such as civil service buildings, as many of these are older and less efficient in terms of energy usage. In fact, in 2022 only one of 238 office buildings occupied by government departments and agencies had achieved an A rating for energy efficiency. Additionally, we called for an energy usage review to be conducted on such government buildings. The new updated NECP highlights the SEAI Pathfinder program and public sector partnership program for retrofitting public buildings, which aim to achieve higher energy ratings in a significant amount of public sector buildings. However, they do not set specific targets. The new updated plan now includes the suggestion of an energy usage review of government buildings.

Secondly, we pointed out that a very significant amount of fossil fuels is used for heating older houses, and we suggested a retrofit pilot scheme approach where rural or small-town areas with the highest reliance on fossil fuels would be targeted first. We emphasised that a drastic increase in grant funding needed to be made available in order for rural homeowners to be able to afford the switch to a heat pump from oil or solid fuel. The new plan discusses national objectives for improving the energy efficiency of building stock, setting targets for retrofitting 500,000 homes to a B2 BER by 2030, installing 600,000 heat pumps, and ensuring new dwellings meet NZEB standards. It also highlights supports available for commercial buildings through the Excellence in Energy Efficiency Design (EXEED) scheme and the Support Scheme for Energy Audits (SSEA).

We acknowledge that feedback from the first consultation round has been taken into account here. But we advocate the setting of targets or deadlines, such as has been set for retrofitting homes, for public buildings; or, even better, the setting of detailed timelines for rolling out retrofit programs.

4.5 Just Transition

The first updated draft version touches on the need for a just transition but does not provide comprehensive measures. We called for a more adequate and sufficient consideration of just transition policies, to avoid important consequences for the legitimacy, effectiveness and success of Ireland's plan due to the measures proposed being not equality-proofed against the experience of the life of the average citizen. We asserted that the plan had not fully considered potential impacts on small businesses below tax registration thresholds or those operating in a rural shadow economy, particularly in relation to Midland peat-based economies. We also advocated that a just transition policy should include greater consideration for smaller operations in these economies and that existing

plans focussed almost exclusively on the economic impact of large industrial scale peat industry.

The updated NECP provides a more detailed approach to a just transition, addressing the impacts on small businesses and rural economies in peat-based regions. The plan mentions the National Just Transition Fund, which supports communities transitioning to a low carbon economy up to the end of 2024 by facilitating innovative projects that contribute to the economic, social, and environmental sustainability of the wider Midlands region and have significant employment and enterprise potential. It also details how the EU Just Transition Fund further supports these efforts.

In the first consultation round, we considered that the updated NECP missed many important measures to alleviate poverty and energy poverty which are being driven by rising costs. Only 35-40% of all houses in Ireland have a Building Energy Rating and further research is therefore required in relation to the existing housing stock to comprehensively address energy poverty and understand the level of investment required. The updated draft NECP explains the commitment to use carbon tax revenue to fund targeted initiatives to prevent fuel poverty and ensure a just transition.

The updated plan also mentions a continuous effort to consult the public and other important stakeholders to ensure their concerns are taken into consideration throughout the transition. These initiatives indicate a commitment to a just energy transition, and it is encouraged that such initiatives stay in place throughout the entirety of Ireland's transition to renewable energy.

5. PUBLIC PARTICIPATION

5.1 Summary of the Present Situation

The Irish Government has singularly failed to meet their international, EU and domestic law obligations on public participation in relation to the preparation of this updated NECP. This is disappointing, as it represents a huge missed opportunity to engage the public in key decisions at a crucial point in the fight against climate change, and it results in a plan that lack creativity and innovation, and one that is poorly scoped for impacts on a wide variety of social groups and sectors. The views of the public continue to be an afterthought, and the State clearly fails to appreciate the benefits of engaging with a passionate and creative population that have a lot to contribute to the process of climate mitigation and adaptation.

The fact remains that when members of the public are not engaged at an early stage when all options are genuinely open, with genuine presentation of

information, alternatives and impacts in accessible ways, the Government's plans are highly likely to be poor quality, drawing as they do from a very limited pool of talents and perspectives in society.

The matters addressed in the NECP affect the whole of society in Ireland and beyond. In accordance with democratic principles, those affected should have a say. Not doing so means a lost opportunity to ensure the public understand and support the choices that are being made and directions we are choosing to go as a society. The State continues to ignore the diversity of perspectives in the population, failing to adequately provide for nuanced methods of engagement for people from different backgrounds, education levels, capacity levels, those with disabilities, different genders and family statuses, and those minorities who are less likely to engage with authority such as racial and ethnic minorities, immigrants, members of the travelling communities. This means that the impacts of the proposed measures on those groups are not accounted for and properly scoped in this process, with strong evidence to suggest Irish climate policy already impacts adversely to a greater extent on minorities (as do the effects of climate change).

The Irish State (and the Department) needs to sharply course correct in order to develop workable plans, properly scoped for impacts, that are finetuned sufficiently to have practical effect and which have public support and buy in, as without this support the plans will not be implemented.

5.2 Legal Requirements for Public Participation:

Public participation in Climate Plans of this nature are subject to a matrix of international, EU, and national laws and policy guidance. In summary these are:

5.2.1 The Aarhus Convention, UNECE 1998

Article 6 & 7 of the Aarhus Convention provide for early and effective participation in plans, programmes and policy making, early in the process when all options are open, supported by sufficient in-depth and accessible information to enable genuine engagement, and requiring a Strategic Environmental Assessment (SEA) be carried out covering alternative pathways to meeting the targets/objectives of the plan and the differentiated impacts of same. It also requires engagement in a transboundary context and its rights are not limited by citizenship, domicile or status.

5.2.2 The Espoo Convention, UNECE 1991 & its SEA Protocol (Strategic Environmental Assessment)

This convention provides for public participation in environmental impact assessment of projects, and the SEA Protocol provides for public participation in strategic environmental assessment of plans and programmes, on similar terms to those under the Aarhus Convention, but focussed on a transboundary context, for environmental plans, policies and programmes. These mean where a plan or program is likely to have transboundary implications or effects, then the State producing it is obliged to notify other affected states and ask them to carry out transboundary public consultations.

5.2.3 The Strategic Environmental Assessment Directive, Directive 2001/42/EC

This Directive requires public participation in plans and programs (similar to the Espoo & Aarhus Convention requirements), supported by full information about the impacts of alternatives. The public is required to be involved early when all options are open. The primary process by which this is done is in the preparation of a draft Strategic Environmental Assessment Report (SEA-R) which sets out alternative pathways and environmental impacts of these. The public has input on the draft, which is then used to formulate the final report recommending particular alternatives out of the range of options, and explaining why these were chosen and the impact of the public participation process on the final policy.

5.2.4 The Governance Regulation

This regulation is the foundation of the EU Climate and Energy Governance structures, and is the legal basis for the NECP process. Article 10 of the Governance Regulation provides for early and effective public participation in the NECP process, at an early stage when all options are open, and for SEA to be carried out.³⁴ The Governance Regulation also requires the State or relevant Department to provide an explanation on how citizens' views are considered during the NECP update.

5.2.5 The EU Climate Law:

The flagship EU Climate Law is the foundation of the EU's target of net zero by 2050, implementing the EU's Paris Agreement commitments, and reforms the

³⁴ Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action; Article 10, Public consultation.

Governance Regulation in part, and similarly requires public participation in Climate Planning.

5.2.6 Relevant Guidance Documents

There are also a number of relevant guidance documents including the EU Commission Guidance (described in section 3.1 above) on carrying out the updates of the NECP³⁵ process which mandates early and effective public participation when all options are open.

This interlocking set of obligations means that the Irish State is bound to provide early and effective opportunities for public participation in environmental plan making, at a stage of the proceedings when all alternatives are on the table. They are obliged to equip the public with sufficient information to enable them to engage effectively and meaningfully with the plan making process. This means providing both sufficient in-depth and detailed information, so that the public can interrogate the claims made in the plan of proposed benefits, and sufficiently simple summaries and multimedia versions so that the public can engage with the process even with a low background level of knowledge.

The State is also obliged to provide a report setting out the alternative pathways to achieving the targets and objectives in the plan, and an environmental assessment of the impacts of choosing the different alternatives, known as the Strategic Environmental Assessment Report. This report is supposed to be draft only until the public have been given an opportunity to consult on it.

³⁵ EU Commission (2022) Guidance to MS for updated NECPs 2021-2030 (C/2022/9264 final)
https://energy.ec.europa.eu/publications/guidance-ms-updated-necps-2021-2030_en

6. STEPS THAT SHOULD HAVE BEEN TAKEN IN THE REVISED AND UPDATED NECP AND WERE NOT TAKEN

In this section, we consider a number of steps that should have been taken in revising and updating the NECP, but were not taken.³⁶

6.1 Performance Review of the 2018 NECP

The first steps that should have been taken would have been to carry out an assessment review of performance, effectiveness and impacts of the existing NECP, looking at a variety of axes such as environmental impacts, health impacts, land use impacts, social impacts and impacts on different demographics as well as different geographic, socio-economic and protected groups.

This assessment of impacts should have been carried in a manner that included wide and deep engagement with various stratified populations and representative groups, as well as stakeholder and expert groups, to get their effectiveness on the measures in the plan. This is particularly important as there is clear evidence that Ireland's climate policy to date is failing to meet its targets,³⁷ and that it is insufficiently sensitive to the needs of different social groupings,³⁸ resulting in the potential to cause harm/perpetuate discrimination and inequality. Making a new plan without interrogating these failings will lead to simply replicating them.

6.2 Development of draft NECP and draft SEA-R with alternative pathways and impacts

This performance review of the existing plan should have led to the development of a draft NECP and draft updated SEA-R which outlined the status quo and its impacts, followed by a review of the different alternative pathways and measures available to achieve the targets required, and the analytical calculations to support these assertions, the preferred choice of pathways and measures and the reasons why these measure and pathways were preferred.

³⁶ See also Alison Hough and Ciara Brennan (March 2023) 'Legal obligations for public participation during the 2023 updating of National Energy and Climate Plans (NECPs)' EJNI Briefing Paper, <https://ejni.net/wp-content/uploads/2023/03/EJNI-Briefing-Paper-Public-Participation-and-the-NECP-Revision.pdf>

³⁷ EPA (2024) Ireland's Greenhouse Gas Emissions Projections 2023-2050, <https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/irelands-greenhouse-gas-emissions-projections-2023-2050.php>

³⁸ Dukelow, F., Forde, C., & Busted, E. (2024). Feminist Climate Justice Report, Feminist Communities for Climate Justice Report, https://www.nwci.ie/learn/publication/feminist_climate_justice_report

6.3 Participation in the SEA-R

The draft NECP & SEA-R should then have been the subject of further wide and deep public engagements, with supporting materials and information (e.g. plain English summaries, multiple language translations, disability accessible versions, variety of media (e.g. short videos on the thematic areas and key themes, infographics on different themes, pathways and measures, short self-directed learning materials with videos and quizzes to check understanding that could be completed asynchronously by interested participants to ensure sufficient baseline capacity to engage).

Following a reasonable period of time after these materials have been distributed, webinars or live events could be held on the different themes/areas in the plan, at which people could ask for clarification of the measures and approaches, and expert explanations of them could be given. Then the period for consultation submissions should have been opened.

6.4 Transboundary Participation in the SEA-R

Transboundary consultations on environmental plans of strategic importance are required under EU and international law, specifically under the Aarhus and Espoo Conventions and Article 7 of the European SEA Directive (Strategic Environmental Assessment).

It is obvious that climate plans of this scale and timeframe, which are engaging with issues of energy security in the EU and Ireland's fair share of the EU targets, constitute plans with transboundary implications, and would therefore trigger these obligations. There is no evidence any attempt was made to consult in a transboundary context or that the required formal notice was given.

6.5 Regional Engagement.

The Governance Regulation requires under Article 12 that Member States consult with their regional neighbours on both the draft and final NECP prior to filing with the EU Commission and set out a detailed account of these consultations and their outcomes in the final NECP. While there is some evidence of regional engagement on climate policy, it is not clear that the draft NECP was consulted on and on balance it seems that it was not.

6.6 Finalised SEA-R & NECP

This would lead to the finalised SEA-Report and NECP with preferred pathways and measures and their analytical basis being published. This document ideally

would give full account of the public consultation process and in particular explain how the input received informed the final document, what changed as a result of the inputs and what the impact on the plan this was etc.

6.7 What actually happened

1. The draft updated NECP was prepared behind closed doors with zero public input, and was only made public after it was filed with the EU Commission, in breach of the Governance Regulation requirement of public participation in preparation of the draft, and the Aarhus Convention, Espoo Convention, SEA Directive and EU Commission Guidance. It was filed late on 08 December 2023, five months after the deadline of 30 June 2023,³⁹ in breach of the Governance Regulation. This delayed the feedback from the EU Commission and adversely impacted on timelines for the rest of the EU.
2. The draft updated NECP was published and it was immediately apparent that it was incomplete and insufficiently ambitious,⁴⁰ It was not accompanied by any information about the analytical basis for the plan's measures, it was not accompanied by an SEA-R, it was not accompanied by any accessible materials and no attempt was made at all to explain this huge and complex document to the public, or the equally cumbersome SEA-R. The NECP is more than 400 pages long, and lacks basic navigation features such as a hyperlinked table of contents, making it unwieldy to navigate. Furthermore, the plan was assessed by NGOs⁴¹ and the EU Commission (see section 3.2 above)⁴² as falling short across several key areas including renewable energy targets, carbon sinks under LULUCF, energy efficiency, greenhouse gas emissions and effort sharing measures.

³⁹ EU Commission (23rd February 2024) Assessment of the draft updated National Energy and Climate Plan of Ireland, https://commission.europa.eu/document/download/90feae3c-b5c5-4301-b375-a8f26cf4ed81_en?filename=SWD_Assessment_draft_updated_NECP_Ireland_2023_0.pdf

⁴⁰ E.g., see 'Ciara Brennan, Clodagh Daly, Catherine Devitt, Alison Hough, Orla Kelleher, Caitlin McIlhennon and Paul Price (February 2024) 'Ireland's updated National Energy and Climate Plan: Does the draft updated plan show a path to net-zero?', <https://ejni.net/wp-content/uploads/2024/02/Briefing-on-responding-to-Irelands-draft-updated-NECP-26.02.24.pdf>

⁴¹ Ibid.

⁴² EU Commission (23rd February 2023) Commission publishes new Recommendations on draft NECPs from Belgium, Ireland and Latvia, https://energy.ec.europa.eu/news/commission-publishes-new-recommendations-draft-necps-belgium-ireland-and-latvia-2024-02-23_en; See also EU Commission (Feb 2023) Highlights of the Commission Assessment: Ireland Factsheet https://commission.europa.eu/document/download/dcb789e6-d77a-4774-a62e-42a7897fb6a9_en?filename=Factsheet_Commissions_assessment_NECP_Ireland_2023.pdf.

3. A public consultation was then opened on the already completed draft on 08 February 2024.⁴³ This consisted of a very limited questionnaire⁴⁴ which focussed mainly on perceptions of responsibility for climate change and not on substantive measures and alternative pathways. This appeared to be the types of questionnaire used in the National Climate Dialogue's Climate Conversations. It allowed a maximum of 300 words free text submission. No other input was sought from the public or was encouraged. The only materials provided were the draft updated NECP.

As mentioned above, no accessible materials or summaries, or SEA-R were provided. No analytical information that would enable interrogation of the claimed gains from proposed measures was provided (despite this being a legal requirement in the Governance Regulation). The consultation was open for only four weeks, on a document that was circa 287 pages. The consultation received circa 38 responses, none of which have been published. A consultation report was published summarising some contributions.

4. Subsequently, a new consultation opened on 30 May 2024,⁴⁵ barely a month before the deadline of 30 June 2024 for submission of the final updated NECP to the European Commission. This public consultation was accompanied by an updated version of the NECP, a public consultation summary report, and a Strategic Environmental Assessment Report (SEA-R). Again, no attempt was made to provide plain English summaries, multiple language versions, accessible versions, infographics, thematic summaries or breakdowns.
5. A webinar was held on Thursday, 20 June 2024 at 4:00 p.m.; and this was attended by circa 100 attendees, though many people reported being unable to access the webinar or being only able to access it late. There was facility for text Q&A but this was switched off half way through the webinar. The webinar was approximately 90 minutes long, and consisted mostly of presentations from various civil servants on different technical aspects of the NECP or in some cases, of CAP 2024 which appeared to be viewed as interchangeable. Around six to eight questions were taken through the Q&A before it was closed.

There was very little engagement, with no verbal questions being allowed; only approximately six out of approximately one hundred attendees were

⁴³ DECC (8th Feb 2024) Consultation on Ireland's Draft National Energy and Climate Plan, <https://www.gov.ie/en/consultation/b800b-consultation-on-national-energy-and-climate-plan/>

⁴⁴ Visible at www.gov.ie/pdf/?file=https://assets.gov.ie/283313/8021ede3-68d0-424d-8b21-4ca4c2d1deec.pdf#page=null

⁴⁵ DECC (30th May 2024) Consultation on Ireland's Draft National Energy and Climate Plan, <https://www.gov.ie/en/consultation/47d63-consultation-on-the-draft-update-to-irelands-integrated-national-energy-and-climate-plan/>

allowed the opportunity to ask questions, and with no means to ask for clarification or follow up on questions. Presentations were dense and highly technical and unlikely to have been digestible by a lay audience. Throughout the webinar, a heavy reliance on CAP 2024 for the material in the NECP was clear, as was the State view that the NECP was merely a collation of existing measures; and we submit that this approach was not in compliance with the requirements of the Governance Regulation for a Climate Planning exercise to be carried out.

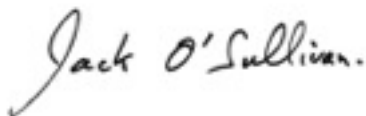
6. The public consultation closed on 27 June 2024, allowing around four weeks for the public to engage with a draft updated NECP of 439 pages, and its accompanying SEA-R of 436 pages. This can hardly be considered sufficient time for experts to engage with the plan, never mind members of the public or community groups interested in climate issues.

7. CONCLUSION

While the revised updated NECP makes an attempt to address some of the points mentioned during the first consultation round, it has failed to incorporate many of the European Commission's recommendations; the public consultation process was poor, and the draft leaves many gaps and opportunities for improvement, for example, by giving more detailed implementation strategies, clearer connections between goals and actions, and outlining how the many existing strategies and initiatives mentioned will directly contribute to the final NECP.

We trust that the Department will consider our observations and suggestions as a positive contribution to improvement of the final NECP.

Jack O'Sullivan



Zero Waste Alliance Ireland

27 June 2024

This submission was researched and written by Alison Hough (Zwai member), Jack O'Sullivan (Zwai founder member and director), and Sara Borkent (Zwai member); with preliminary editing by Órla Coutin (Zwai administrator and researcher), and final editing by Jack O'Sullivan, with the assistance of Beatrix Urban who also prepared the contents pages.